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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,266	11/27/2001	Frederic Bauchot	FR920000062US1	1319

7590 05/31/2006
IMB CORPORATION
INTELLECTUAL PROPERTY LAW
DEPT . IQOQ/BLDG. 040-3
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EXAMINER

SINGH, RACHNA

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. This action is responsive to communications: Arguments and Amendments filed 03/13/06.
2. Claims 1-2 and 7-24 are pending in the application. Claim 3 was cancelled by the amendment. Claims 15-24 are newly added claims.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on 11/28/00. It is noted, however, that applicant has not filed a certified copy of the French application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-2 and 7-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The method does not result in a tangible result. The claimed invention as a whole must produce a "tangible" result to have a practical application. The claimed invention recites selecting a range of cells and ordering the cells with a fill-by-sample operation but does not produce a tangible result. The mere filling in of a cell does not produce a tangible result to the user unless the document or spreadsheet is actually displayed.

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6. Claim 14 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim recites a computer program that is not being tangibly embodied in a manner so as to be executable and is software per se. The claim has no category of invention and has no way to realize function. The claim is directed to an abstract idea, and directed solely to non-functional descriptive material. The claimed invention recites selecting a range of cells and activating a fill-by-sample operation but does not produce a tangible result.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-2 and 7-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Flaherty, John, "Selected Excel Basics, Excel Tips for Efficient Spreadsheet Use", Available: http://www.bf.rmit.edu.au/quant/Excel/Excel_Tips.pdf.

In reference to claims 1, 13, and 14, Flaherty teaches a means for filling in empty cells in a range of cells within a spreadsheet. See page 2. Flaherty discloses the following:

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-Selecting a range of cells wherein some of the cells comprise empty cells and cells containing a value such as the month, day of the week, or number. See page 2, "Using the Fill Handle" and figures on pages 2-3. Compare to ***"selecting the range of cells, said range comprising a plurality of sample cells (i.e. B2 in figure 2 on page 2) and one or a plurality of empty cells (i.e. B3 in figure 2 on page 2), a sample cell containing a sample value, an empty cell containing no value or a value not considered as a sample value; the content y_i of each sample cell and each empty cell being associated with a particular value x_i of a variable x ;"***

-Entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See pages 4-5, "Entering a Data Series". In indicating a start and stop value in a series of cells, the "previous sample cell" and "next sample cell" of the empty cells in between the start value and stop value are specified. Compare to ***"selecting one or a plurality of previous sample cells with respect to the empty cell; selecting one or a plurality of next sample cells with respect to the empty cells."***

-The series dialogue box allows a user to indicate the linear series and fills out the empty cells according to the start and stop values. See pages 4-5, "Entering a Data Series". Compare to ***"ordering the sample cells and empty cells according to the values x_i associated with the content of said cells; identifying the value x_i associated with the content of the empty cell; computing the value y_i of the empty cell according to the values $y_{previous}$ contained in the selected one or plurality of***

previous sample cells, and the values y_{next} contained in the selected one or plurality of next sample cells; filling the empty cell with said computed value y_i .

In reference to claim 2, Flaherty teaches entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See pages 4-5, "Entering a Data Series". In indicating a start and stop value in a series of cells, the "previous sample cell" and "next sample cell" of the empty cells in between the start value and stop value are specified.

In reference to claim 7, Flaherty teaches the range of cells comprise a value associated with the content of a sample cell. See pages 4-5, "Entering a Data Series".

In reference to claim 8, Flaherty teaches the value of y_i is calculated by determining the pattern in the range of cells. This entails determining content of a previous/start cell and next/stop cell and the value associated with the content in order to determine the value of the empty cell. For example, content and value of a previous/start cell and a next/stop cell are used to calculate what goes into an empty cell. See pages 4-5, "Entering a Data Series".

In reference to claim 9, Conlon discloses a means in which a selected range of cells comprises a single column and row of cells. See figures on pages 1-2. Each cell comprises a value.

In reference to claim 10, Flaherty teaches a table with a range of cells wherein some of the cells are empty. See page 2. Flaherty teaches entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See pages 4-5, "Entering a Data Series". Compare to ***"an index field for identifying said empty cell; a sample field for indicating that said cell is a sample cell; a X_i field with the value x_i associated with said empty cell; an index of the previous sample field with the value of the index filed of a previous record having a sample value"*** In indicating a start and stop value in a series of cells, the "previous sample cell" and "next sample cell" of the ***empty cells*** in between the start value and stop value are specified. Compare to ***"a $X_{prev.samplefield}$ with the value of the X_i field of a previous record having a sample ; the " $f(X_{prev.sample})$ field" with the value $y=f(x)$ of said sample cell; an "index of the next sample field" with a value of the "index filed" of the next record having a sample value; the $X_{nextsamplefield}$ with the value of the X_i field of a next record having a sample value; the " $f(X_{nextsample})$ field" with the value $y=f(x)$ of a cell in the range corresponding to a next record having a sample value;***

In reference to claim 11, Flaherty teaches a table with a range of cells wherein some of the cells are empty. See page 2. Flaherty teaches entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See pages 4-5, "Entering a Data Series". Compare to ***"an index field for identifying the sample cell; a sample field for indicating that said cell is a sample cell; a X_i field with the value x_i associated with said sample cell; the inext of the previous sample field with the value of the index filed of the sample cell"*** In indicating a start and stop value in a series of cells, the "previous sample cell" and "next sample cell" of the ***empty cells*** in between the start value and stop value are specified. Compare to ***"a $X_{prev.samplefield}$ with the value of the X_i field of said sample cell; the " $f(X_{prev.sample})$ field" with the value $y=f(x)$ of said sample cell; the "index of the next sample field" with the value of the "index filed" of said sample cell; the $X_{nextsamplefield}$ with the value of the X_i field of said sample cell; the " $f(X_{nextsample})$ field" with the value $y=f(x)$ of said sample cell;***

In reference to claim 12, Flaherty teaches a table comprising N records. See figures on page 2, 3, and 4.

In reference to claim 15, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value.

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By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell.

In reference to claim 16, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell.

In reference to claim 17, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell.

In reference to claim 18, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell.

In reference to claim 19, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell.

In reference to claim 20, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell.

In reference to claim 21, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell.

In reference to claim 22, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell.

In reference to claim 23, Flaherty teaches custom formatting of cells where a user can indicate a range of cells and font, border, pattern, and background information. See page 12.

In reference to claim 24, Flaherty teaches entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start

value of 10 and a stop value of 90 is indicated with a step value of 5. See pages 4-5, "Entering a Data Series". In indicating a start and stop value in a series of cells, the "previous sample cell" and "next sample cell" of the empty cells in between the start value and stop value are specified.

Response to Arguments

9. Applicant's arguments filed 03/13/06 have been fully considered but they are not persuasive. Applicant amended claims to recite that the selection of a previous and next sample cells are with respect to the empty cell. Accordingly, Examiner has utilized the **Flaherty** reference to teach this feature. Please refer to rejections above, where Flaherty teaches entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See pages 4-5, "Entering a Data Series". In indicating a start and stop value in a series of cells, the "previous sample cell" and "next sample cell" of the empty cells in between the start value and stop value are specified.

In view of the comments above, the rejection is maintained.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh whose telephone number is 571-272-4099. The examiner can normally be reached on M-F (8:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RS

05/22/06

A handwritten signature in black ink, appearing to read 'Doug Hutton', is positioned above the printed name.

Doug Hutton
Primary Examiner
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